

Application No. 10/686,951
 Attorney Docket No. 2003B043/2
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REMARKS:

Amended Claim

Applicants have amended claim 3 to include inadvertently omitted element (d) which recites a "a g' measured at the Mz of 0.95 or less." This element is supported in the specification as filed in, e.g., originally filed claims 1 and 2.

Restriction Requirement

Further consideration of the subject application in light of the remarks which follow is respectfully requested. Claims 1-426 are pending, wherein Claims 1-426 are subject to a restriction requirement. Claims 1-426 are alleged to represent three (13) separate inventions. Examiner has divided the claims into the following thirteen groups:

Group I, Claims 1-71, 109-116, 171-184 and 360-375, drawn to adhesive, classified in class 523, subclass 176.

Group II, Claims 72-80, drawn to package, classified in class 206, subclass 216.

Group III, Claims 81-102, drawn to disposable article, classified in class 442, subclass 59.

Group IV, Claims 103-108, 117-136, 310-347, and 376-391, drawn to laminates, classified in class 428, subclass 500.

Group V, Claims 137-170, drawn to fiber, classified in class 428, subclass 359.

Group VI, Claims 185-205, 220-235 and 426, drawn to tape and labels, classified in class 428, subclass 343.

Group VII, Claims 206-219, drawn to plywood, classified in class 428, subclass 106.

Group VIII, Claims 236-261, bookbinding, classified in class 428, subclass 192.

Group IX, Claims 262-309 and 411-424, drawn to roadmarking, classified in class 523, subclass 172.

Group X, Claims 348-359, drawn to paving, classified in class 524, subclass 59.

Group XI, Claims 392-395, window glaze, classified in class 52, subclass 204.5.

Group XII, Claims 396-410, drawn to shingle, classified in class 52, subclass 518.

Group XIII, Claim 425, drawn to carpet, classified in class 428, subclass 96.

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In compliance with the Examiner's requirement pursuant to 35 U.S.C. §121, Applicants hereby provisionally elect to prosecute Group I, Claims 1-71, 109-116, 171-184 and 360-375, with traverse. This election is being made without prejudice to Applicants' rights with respect to Claims 72-108, 117-170, 185-359, and 376-426, including the right to file divisional applications thereon. Applicants believe that the Examiner's rejection is improper for at least the following reasons.

The patent laws require that an Examiner may only restrict the claims if the claimed inventions are both "independent and distinct." 35 U.S.C. § 121. The MPEP comes to the incorrect conclusion that the term "independent" in the statute is irrelevant. MPEP § 802.01 Because all of claims 4-426 are dependent (directly or indirectly) upon claim 1, none of claims 4-426 are "independent" as that term is used in § 121. Thus, the rejection is improper, and Applicants respectfully request that the Examiner withdraw the rejection and examine all currently pending claims.


Additionally, the Examiner must examine all of the claims on the merits where "the search and examination of all the claims in an application can be made without serious burden" on the Examiner. MPEP § 803. This is clearly the case in the current application. Namely, because all of claims 4-426 depend (directly or indirectly) from claim 1, the Examiner's burden in searching is not increased by examination of all of the claims because all of dependent claims 4-426 are allowable if claim 1 is allowable.

Should the Examiner have any questions or if he believes it will expedite or assist his examination, he is invited and encouraged to telephone the undersigned attorney at his convenience.

Respectfully submitted,

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